1 HONORABLE JOHN C. COUGHENOUR 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 FOR THE WESTERN DISTRICT OF WASHINGTON IN SEATTLE 8 9 Case No. CV-09-00149-JCC KRISTIN BAIN, Plaintiff, 10 DECLARATION OF MELISSA A. **HUELSMAN IN SUPPORT OF** v. 11 PLAINTIFF'S RESPONSE TO DEFENDANT FEDERAL DEPOSIT METROPOLITAN MORTGAGE GROUP, 12 INC.; INDYMAC BANK, FSB; MORTGAGE) INSURANCE CORPORATION'S MOTION FOR SUMMARY JUDGMENT ELECTRONIC REGISTRATION SYSTEMS: ) 13 REGIONAL TRUSTEE SERVICE: LENDER ) PROCESSING SERVICE, INC., inclusive, Noted for Consideration: 14 May 7, 2010 Defendants. 15 16 17 I, Melissa A. Huelsman, declare: 18 1. I am the attorney for the Plaintiff herein. I have personal knowledge of the facts 19 as stated herein. If called upon to testify to the truth thereof, I could and would do so. 20 2. Since I originally received the Initial Disclosures of Defendant IndyMac on or 21 about March 24, 2009, I have been trying to get the documents that are referenced in the Initial 22 Disclosures. I have had numerous conversations by telephone and email with other attorneys at 23 24 Foster Pepper, LLC in the months following that filing in order to try to get those documents. I 25 was repeatedly assured by Miriam Cho and Doug Davies that I would receive the documents. I 26 never received them. 27 LAW OFFICES OF MELISSA A. HUELSMAN P.S. DEC. OF MELISSA A. HUELSMAN IN SUPPORT OF 705 SECOND AVENUE, SUITE 1050 PLTF'S RESPONSE TO FDIC'S MOTION FOR SUMMARY SEATTLE, WASHINGTON 98104 TELEPHONE: (206) 447-0103 FACSIMILE: (206) 447-0115 JUDGMENT-1 Case No. CV -09-00149-JCC

- 3. Similarly, after the FDIC was substituted into the case, Mr. Davies continued to assure me that I would receive the documents as soon as things settled down and the FDIC figured out what was going on with IndyMac. Throughout 2009, Mr. Davies repeatedly assured me that I would receive the documents but I never received them. Mr. Davies attributed the delays to problems he was having with the clients and to the myriad of health problems he and his family have been experiencing since September 2009 (according to his statements to me).
- 4. Because I was having so many problems getting information from the FDIC and Mr. Davies, I filed a Motion to Continue the trial date on January 29, 2010. As I indicated in that Motion, I prepared and served Mr. Davies with written discovery requests so that there would be a deadline for a response due from the FDIC. I have yet to receive a response to those requests. I have had numerous conversations with Mr. Davies about this situation since the filing of that Motion and he has provided me orally with the name of the supposed mortgage loan servicer but nothing more. I told Mr. Davies that I would stipulate to the dismissal of the FDIC if I could substitute the correct defendant for the FDIC if I could verify the identity of the owner of Ms. Bain's loan. I have never been provided with that information.

This Declaration made under penalty of perjury under the laws of the United States of America this 3<sup>rd</sup> day of May 2010 at Seattle, Washington.

> \_/s/ \_Melissa A. Huelsman\_ Melissa A. Huelsman, WSBA #30935

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